

REMARKS

Claims 1-12 and 14-33 are all the claims pending in the application, claim 13 having been canceled as indicated herein.¹ The previous prior art rejections have been withdrawn, and the new rejections are as follows. Claims 1-33 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jenkins et al. (U.S. Patent No.: 5,365,310), hereinafter referred to as Jenkins, in view of Hoebel et al. (U.S. Patent No.: 5,400,792), hereinafter referred to as Hoebel.

With respect to independent claim 1, Applicant submits that neither Jenkins nor Hoebel, either alone or in combination, teaches or suggests at least “a plurality of medical image input devices holding respective histories of evaluation results...,” (emphasis added) as recited in claim 1. That is, Jenkins, which allegedly discloses the above-quoted feature of claim 1, only discloses that information related to copy quality is transmitted to a diagnostic computer. *See col. 3, lines 45-63*. Nowhere, however, does Jenkins disclose that a medical image input device holds respective histories of evaluation results.

Further, nowhere does Jenkins discuss “medical diagnostic apparatuses” and/or “medical image input devices”, as recited in claim 1. The Examiner admits this much, however, the Examiner applies Hoebel as a secondary reference and alleges,

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed for Hoebel’s medical diagnostic apparatus to be incorporated into the teachings of Jenkins since it would allow for a more effective way of controlling image quality by providing for a central control means to automatically monitor and control aspects of the imaging system or apparatus so that an operator or service technician need not be

¹ Applicant amends claim 3 for clarification purposes.

located at the facility where the image apparatus is physically located. *See page 4 of Office Action.*

In response, Applicant submits that it would NOT have been obvious to combine Hoebel with Jenkins, as there is no teaching or suggestion in either of the references to combine the teachings of remotely diagnosing copy quality defects (of Jenkins) with the teachings of controlling a medical diagnostics installation (of Hoebel). That is, the teachings of Jenkins and Hoebel are so different that one skilled in the art related to one of the two references would NOT have been led to the other reference for the purpose of developing a more effective way of controlling image quality. In fact, nowhere is copying or scanning machinery (Jenkins) discussed with respect to the medical diagnosing processes of Hoebel. The Examiner has apparently used impermissible hindsight reasoning in arriving at his conclusions that one skilled in the art would have been led to combine Hoebel and Jenkins. At least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that independent claims 3, 14, 15, and 18 are patentable at least for the reasons set forth above that it would NOT have been obvious to combine Hoebel with Jenkins.

We would argue that dependent claims 2, 4-12, 16, 17, and 19-33 are patentable at least by virtue of their respective dependencies from independent claims 1, 3, 14, 15, and 18.

Yet further, with respect to dependent claims 11 and 16, the Examiner acknowledges that Jenkins does not teach the features of these claims. *See page 5 of Office Action.* However, the Examiner alleges that the features of these claims are inherent. The Examiner further adds,

Firstly, the use of computer networks is well known for providing computing devices the ability to communicate with another, and since allowing one of the imaging devices to also function as the

control device would form a more simple control system but eliminating the need for use of an external communication network (e.g. telephone, cable, etc.) which may suffer from disruptions that cannot be alleviated internally by an operator of the quality control system. If one of the imaging devices co-functioned as the control device this type of possible disruption would be conveniently and cheaply avoided. *See page 5 of Office Action.*

In response, Applicant submits that the Examiner has again used impermissible hindsight reasoning in concluding that the features of claims 11 and 16 are inherent. That is, even if, *assuming arguendo*, allowing one of the imaging devices to function as the control device would form a more simple control system, neither Jenkins nor Hoebel teaches or suggests this much, and one skilled in the art would not necessarily have been led to implement the features of claims 11 and 16 to effectuate a simplified control system, absent the present application. The mere fact that a certain thing (a simplified control system) may result from a given set of circumstances (allowing an imaging device to function as the control device) is not sufficient to establish inherency.

Yet even further, with respect to claims 19-23, the Examiner acknowledges that the limitations of these claims are not disclosed in Jenkins however the Examiner alleges that the limitations of these claims “are all believed to be obvious known quantitative measurement means by which images are analyzed to determine deficiencies in the images”. *See page 6 of Office Action.* In response, Applicant submits that neither Jenkins nor Hoebel discloses the particular limitations of claims 19-23, and the Examiner appears to have yet again used impermissible hindsight reasoning in arriving at his conclusions.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 09/536,315

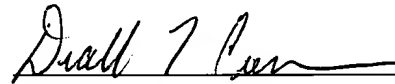
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Finally, Applicant adds new claims 34-38, as set forth herein, to round out the scope of protection solicited for the present invention. Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: March 19, 2004